

House File 2391 - Introduced

HOUSE FILE 2391
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 609)

A BILL FOR

1 An Act relating to the funding and operation of programs to
2 collect and dispose of household hazardous materials.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455E.11, subsection 2, paragraph a,
2 subparagraph (2), subparagraph divisions (d), (e), and (f),
3 Code 2016, are amended to read as follows:

4 (d) ~~For the fiscal year beginning July 1, 2005, nine and~~
5 ~~one-half percent to the department to establish permanent~~
6 ~~household hazardous waste collection sites so that both~~
7 ~~urban and rural populations are served and so that collection~~
8 ~~services are available to the public on a regular basis.~~
9 ~~Beginning July 1, 2006, six and one-quarter percent to the~~
10 ~~department to establish permanent household hazardous waste~~
11 ~~collection sites so that both urban and rural populations are~~
12 ~~served and so that collection services are available to the~~
13 ~~public on a regular basis. Beginning July 1, 2007, three Three~~
14 ~~percent to the department to establish permanent household~~
15 ~~hazardous waste materials collection sites so that both~~
16 ~~urban and rural populations are served and so that collection~~
17 ~~services are available to the public on a regular basis.~~
18 ~~Beginning July 1, 2008, any moneys collected pursuant to this~~
19 ~~subparagraph division that remain unexpended at the end of a~~
20 ~~fiscal year for establishment of permanent household hazardous~~
21 ~~waste materials collection sites shall be used for purposes of~~
22 ~~subparagraph division (e).~~

23 (e) ~~For the fiscal year beginning July 1, 2005, three~~
24 ~~percent to the department for payment of transportation costs~~
25 ~~related to household hazardous waste collection programs.~~
26 ~~Beginning July 1, 2006, six and one-quarter percent to the~~
27 ~~department for payment of transportation costs related to~~
28 ~~household hazardous waste collection programs. Beginning July~~
29 ~~1, 2007, nine Nine and one-half percent to the department for~~
30 ~~payment of transportation collection and disposal costs related~~
31 ~~to household hazardous waste materials collection programs.~~

32 (f) Eight and one-half percent to the department to
33 ~~provide additional toxic cleanup days support special~~
34 ~~events for household hazardous materials collection or other~~
35 ~~efforts of the department to support the household hazardous~~

1 materials program, permanent household hazardous material
 2 collection systems and ~~special events for household hazardous~~
 3 ~~material collection~~, and for the natural resource geographic
 4 information system required under [section 455E.8, subsection 4](#).
 5 ~~Departmental rules adopted for implementation of toxic cleanup~~
 6 ~~days shall provide sufficient flexibility to respond to the~~
 7 ~~household hazardous material collection needs of both small and~~
 8 ~~large communities. Repayment moneys from the Iowa business~~
 9 ~~loan program for waste reduction and recycling pursuant to~~
 10 ~~[section 455B.310, subsection 2](#), paragraph "b", Code 1993, and~~
 11 ~~discontinued pursuant to 1993 Iowa Acts, ch. 176, §45, shall~~
 12 ~~be placed into this account to support household hazardous~~
 13 ~~materials programs of the department.~~

14 Sec. 2. Section 455E.11, subsection 2, paragraph c,
 15 subparagraphs (1) and (2), Code 2016, are amended to read as
 16 follows:

17 (1) The moneys collected pursuant to [section 455F.7](#)
 18 and moneys collected pursuant to [section 29C.8A](#) which are
 19 designated for deposit, shall be deposited in the household
 20 hazardous waste account. Two thousand dollars is appropriated
 21 annually to the Iowa department of public health to carry
 22 out departmental duties under section 135.11, subsections 18
 23 and 19, and [section 139A.21](#). The remainder of the account
 24 shall be used to fund ~~toxic cleanup days~~ and the efforts of
 25 the department to support a collection system for household
 26 hazardous materials, including public education programs,
 27 training, and consultation of local governments in the
 28 establishment and operation of permanent collection systems,
 29 and the management of collection sites, education programs,
 30 and other activities pursuant to [chapter 455F](#), including the
 31 administration of the household hazardous materials retailer
 32 permit program by the department of revenue.

33 (2) The department shall submit to the general assembly,
 34 annually on or before January 1, an itemized report which
 35 includes but is not limited to the total amount of moneys

1 collected and the sources of the moneys collected, the amount
2 of moneys expended for administration of the programs funded
3 within the account, results of the efforts of the department to
4 support a collection system for household hazardous materials
5 pursuant to chapter 455F, and an itemization of any other
6 expenditures made within the previous fiscal year.

7 Sec. 3. Section 455F.1, subsection 3, Code 2016, is amended
8 by striking the subsection.

9 Sec. 4. Section 455F.1, subsection 4, Code 2016, is amended
10 to read as follows:

11 4. "*Household hazardous material*" means a product used for
12 residential purposes and designated by rule of the department
13 of natural resources and may include any hazardous substance as
14 defined in [section 455B.411, subsection 2](#); and any hazardous
15 waste as defined in [section 455B.411, subsection 3](#); ~~and shall~~
16 ~~include but is not limited to the following materials: motor~~
17 ~~oils, motor oil filters, gasoline and diesel additives,~~
18 ~~degreasers, waxes, polishes, pure solvents, lacquers, thinners,~~
19 ~~caustic household cleaners, spot and stain remover with~~
20 ~~petroleum base, petroleum-based fertilizers, and paints with~~
21 ~~the exception of latex-based paints. However, "household~~
22 ~~*hazardous material*" does not include noncaustic household~~
23 ~~cleaners, laundry detergents or soaps, dishwashing compounds,~~
24 ~~chlorine bleach, personal care products, personal care soaps,~~
25 ~~cosmetics, and medications.~~

26 Sec. 5. Section 455F.1, Code 2016, is amended by adding the
27 following new subsections:

28 NEW SUBSECTION. 5A. "*Regional collection center*" means a
29 secured facility at which collection, sorting, and packaging
30 of household hazardous materials and hazardous materials from
31 conditionally exempt small quantity generators are accomplished
32 prior to transportation of these materials to the final
33 disposal site. Regional collection centers have regular hours
34 during which the public may drop off hazardous materials. A
35 regional collection center may be a government agency or a

1 private agency under contract with a government agency as part
2 of a solid waste comprehensive plan.

3 NEW SUBSECTION. 7A. "Satellite facility" means a secured
4 facility at which collection and storage of household
5 hazardous materials and hazardous materials from conditionally
6 exempt small quantity generators are accomplished prior to
7 transportation of these materials to a regional collection
8 center. A satellite facility has a written contract with
9 a regional collection center for the removal of collected
10 household hazardous materials. A satellite facility may be
11 operated by a government agency or a private agency under
12 contract with a government agency as part of a solid waste
13 comprehensive plan. A satellite facility is available for
14 public drop off of household hazardous materials either during
15 regularly scheduled hours or by appointment.

16 Sec. 6. Section 455F.5, Code 2016, is amended to read as
17 follows:

18 **455F.5 ~~Duties of the commission~~ Rules.**

19 The commission shall:

20 ~~1. Adopt rules which establish a uniform label to be~~
21 ~~supplied and used by retailers.~~

22 ~~2. Adopt rules which designate the type and amount of~~
23 ~~information to be included in the consumer information booklets~~
24 ~~and bulletins~~ adopt rules to implement the programs established
25 pursuant to this chapter.

26 Sec. 7. Section 455F.6, subsection 3, Code 2016, is amended
27 by striking the subsection.

28 Sec. 8. Section 455F.8, Code 2016, is amended to read as
29 follows:

30 **455F.8 Household hazardous waste cleanup materials program**
31 **created.**

32 The department shall conduct programs to ~~collect and dispose~~
33 ~~of small amounts~~ promote the proper management of household
34 ~~hazardous wastes which are being stored in residences or on~~
35 ~~farms~~ materials collected from residents and conditionally

1 ~~exempt small quantity generators. The program shall be known~~
 2 ~~as "toxic cleanup days". The department shall promote and~~
 3 ~~conduct the program and shall by contract with a qualified and~~
 4 ~~bonded waste handling company, collect and properly dispose~~
 5 ~~of wastes believed by the person disposing of the waste to be~~
 6 ~~hazardous. The department shall establish maximum amounts~~
 7 ~~of hazardous wastes to be accepted from a person during the~~
 8 ~~toxic cleanup days program. Amounts accepted from a person~~
 9 ~~above the maximum shall be limited by the department and may~~
 10 ~~be subject to a fee set by the department, but the department~~
 11 ~~shall not assess a fee for amounts accepted below the maximum~~
 12 ~~amount. The department shall designate the times and dates~~
 13 ~~for the collection of wastes. In order to achieve the maximum~~
 14 ~~benefit from the program, the department shall offer toxic~~
 15 ~~cleanup days on a statewide basis and provide at least one~~
 16 ~~toxic cleanup day in each departmental region. Toxic cleanup~~
 17 ~~days shall be offered in both rural and urban areas to provide~~
 18 ~~a comparison of response levels and to test the viability of~~
 19 ~~multicounty toxic cleanup days. The department shall prepare~~
 20 ~~an annual report citing the results and costs of the program~~
 21 ~~for submittal to the general assembly.~~

22 Sec. 9. Section 455F.8A, Code 2016, is amended to read as
 23 follows:

24 **455F.8A Household hazardous material collection sites**
 25 **regional collection centers and satellite facilities.**

26 1. ~~By January 1, 1991, the department shall complete an~~
 27 ~~assessment of the needs of local governments for temporary~~
 28 ~~collection sites for household hazardous materials. Upon~~
 29 ~~completion of the assessment, the department shall design~~
 30 ~~a model facility which would adequately serve the needs~~
 31 ~~identified. During the design phase, the department shall also~~
 32 ~~identify facility permit requirements.~~

33 2. a. ~~Following the completion of the assessment and design~~
 34 ~~of the model facility, the The department shall set a goal of~~
 35 ~~establishing establish a three-year competitive grant program~~

1 to assist in the development of ~~five pilot household hazardous~~
2 ~~waste reduction and collection programs~~ permanent household
3 hazardous material regional collection centers and satellite
4 facilities.

5 *b.* The grant program shall provide for the establishment of
6 ~~five pilot sites~~ permanent collection facilities so that both
7 rural and urban populations are served.

8 *c.* The department shall develop criteria to evaluate
9 proposals for the establishment of ~~sites~~ permanent collection
10 facilities. The criteria shall give priority to proposals
11 for ~~sites~~ permanent collection facilities which provide the
12 most efficient services and which provide local, public,
13 and private contributions for establishment of the ~~sites~~
14 permanent collection facilities. The criteria shall also
15 include a requirement that the recipient of a grant design and
16 construct a facility sufficient for the collection, sorting,
17 and packaging of materials prior to transportation of the
18 materials to the final disposal site. Final review of design
19 and construction of the proposed facilities shall be by the
20 department.

21 *d.* The recipients of grants shall provide for collection
22 of hazardous wastes from conditionally exempt small
23 quantity generators in the area of the facility established.
24 The facility shall require payment for collection from
25 conditionally exempt small quantity generators if the amount
26 of waste disposed is greater than ten pounds. Conditionally
27 exempt small quantity generators which deliver their hazardous
28 wastes to ~~the site~~ a permanent collection facility shall not be
29 required to obtain a permit to transport the hazardous waste to
30 the ~~site~~ permanent collection facility.

31 ~~3.~~ 2. A private agency An owner or operator of a collection
32 facility which provides for the collection and disposal of
33 household hazardous ~~waste~~ materials as part of an approved
34 comprehensive plan pursuant to [section 455B.306](#) shall be
35 eligible for reimbursement moneys pursuant to section 455E.11,

1 subsection 2, paragraph "a", subparagraph (2), subparagraph
2 division (e). The department shall develop eligibility
3 criteria for the receipt of such reimbursement moneys.

4 Sec. 10. Section 455F.9, Code 2016, is amended to read as
5 follows:

6 **455F.9 ~~Education~~ Public information and education program.**

7 ~~In addition to the toxic cleanup days program, the~~ The
8 department shall implement a public information and education
9 program regarding the ~~use and disposal~~ proper management of
10 household hazardous materials. The program shall provide
11 appropriate information concerning the reduction in use of
12 the materials, including the purchase of smaller quantities,
13 selection of alternative products, and ~~hazards associated with~~
14 ~~the use of unregistered and unregulated alternative products~~
15 proper disposal. The department shall also develop and provide
16 to a retailer upon request, at departmental expense, consumer
17 brochures which provide information about household hazardous
18 materials. The retailer shall distribute the brochures
19 without charge to customers upon request. The department shall
20 cooperate with existing educational institutions, the household
21 product industry, distributors, wholesalers, and retailers,
22 and other agencies of government and shall enlist the support
23 of service organizations, whenever possible, in promoting and
24 conducting the ~~programs~~ program in order to effectuate the
25 household hazardous materials policy of the state.

26 Sec. 11. REPEAL. Sections 455F.4, 455F.8B, and 455F.11,
27 Code 2016, are repealed.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill makes several amendments to Code chapters 455E,
32 the "Groundwater Protection Act", and 455F relating to
33 household hazardous waste.

34 The bill removes several references to allocations from the
35 solid waste account and the household hazardous waste account

1 of the groundwater protection fund for fiscal years 2005, 2006,
2 and 2007. The bill replaces the term "household hazardous
3 waste" with "household hazardous materials" and removes toxic
4 cleanup days as a possible use of funding from the solid waste
5 account.

6 Currently, the department of natural resources is required
7 to file two separate reports with the general assembly
8 regarding its program activities and budget. The bill modifies
9 the requirements to require the same information be provided
10 in one report.

11 The bill removes the definition for the term "display
12 area label" from Code section 455F.1, because the term is
13 not used in the Code chapter. The bill repeals Code section
14 455F.4, which requires businesses to display education booklets
15 developed by the department of natural resources about the use
16 and disposal of household hazardous materials and moves that
17 requirement to Code section 455F.9. The bill defines the terms
18 "regional collection center" and "satellite facility", and
19 modifies the definition of "household hazardous material". The
20 bill replaces the directives to the environmental protection
21 commission in Code chapter 455F to adopt specific rules with a
22 general authority to adopt rules that implement the programs
23 established in the Code chapter. The bill also removes a
24 specific duty of the department to create a list of dangerous
25 household products.

26 The bill amends Code sections 455F.8 and 455F.8A dealing
27 with the household hazardous waste cleanup program to remove
28 references to toxic cleanup days and reflect usage of the terms
29 "regional collection centers" and "satellite facilities" as
30 defined in the bill. The bill repeals Code section 455F.11,
31 which establishes a grant program for recycling projects.
32 Recycling projects which are eligible for these grants can be
33 funded through the department's solid waste alternative program
34 established in Code section 455E.11.